IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Misc. Application No. 533 of 2004
(Old No. 2021 of 1987)

Sanawar Ali S/o Sri Babu
R/o Bilaspur Gate
P.S. Ganj
District Rampur ... Appellant

Versus

The District Forest Officer
Nainital ... Opposite Party

Hon'ble B.C. Kandpal, J.

Case called out. Neither the petitioner nor his counsel has appeared before the Court in spite of repeated calls. Learned A.G.A. is present.

This petition has been transferred from Allahabad High Court and after receipt of the record, the notices were issued to the petitioner.

In spite of sufficient service of the notices personally upon the petitioner, he has neither appeared before this Court nor has engaged any counsel.

This case is pending since 1987 and the petitioner was successful in getting the further proceedings stayed in Criminal Case No. 1744 of 1984 under Section 26 of the Forest Act, P.S. Haldwani District Nainital pending before the Judicial Magistrate, Nainital.

Perusal of the petition reveals that there has been no abuse of process. I do not find any justification for invoking the inherent power by way of the provision of Section 482 Cr.P.C.

The petition is accordingly dismissed.

The interim order dated 12.02.1987 staying the further proceeding in Criminal Case No. 1744 of 1984 under Section 26 of the Forest Act, P.S. Haldwani District Nainital pending before the Judicial Magistrate, Nainital is vacated.

(B.C. Kandpal, J.)

22.02.2005
ASWAL